

# WHILE THE BIRDS SING

BY WILLIAM FREDERICK DIX.

THE mid-morning Colorado sun beat down upon a restless little group of men on the steps of the Fort Morton court house; upon the dusty cottonwood trees growing dispiritedly on each side of the road that stretched away from the little sandy square to beyond a few hundred yards below; the main street of the town; and upon the tin roofs of the two-story brick or frame stores on each side of it. The jury had been out over night, and although it was 10 o'clock in the morning, had given no sign. The prisoner had not yet been brought up from the county jail nearby, and the group of men directly interested in the proceedings were sitting and lounging about the steps, smoking and carrying on desultory conversation. The district judge, sitting on the top step, was an eastern college man, about 40 years of age, once an athlete, and still with a trim, slender figure. The only touch of the western in his dress was the grey slouch hat worn straight and firmly set upon his brown hair.

"A pretty bit of grazing land," he was saying to the sheriff, as he looked out over the level prairie, dotted here and there with an adobe shack and occasional herds of cattle.

The sheriff, a brawny, blue-shirted young fellow of 30, with unkempt hair and mustache, unpressed his booted legs, straightened out one of them, pushed his hand deep into the pocket of his corduroy trousers, and yawned. As his coat was thrust back by the movement of the butt of his .45-caliber "gun" might be seen. Without replying, he drew out a large silver watch and studied it absently.

The small boys among the group of hangers-on in front of the steps were beguiling themselves tossing ball, and the prosecuting attorney, a young graduate from the east who had come up from Pueblo, called out:

"Here you are, Johnnie, give us a catch!"

The small boy who had the ball grinned sheepishly and threw it at him.

"Harder, harder!" said the young lawyer cheerily. "That's no way to pitch a ball. Throw it in this way," and the boy's hands were scorched as he caught the return.

"Here you go, kid, give me a curve," he asked. "Let's see you do it."

"All right," said Hardy, rising good-naturedly and taking off his coat. "Here you go. Hold on," he added, "you couldn't catch it if I did. Here it is, Mr. Hackett, go out there and let me throw you a few curves."

The others laughed at this, for Hackett, the senior counsel for the de-

fense, also up from Pueblo for the trial, was an enormous middle-aged Hoosier, six feet two in height and weighing 250 pounds, and wore a black broadcloth frock coat and trousers, low turned down collar and ready made tie. He was slow moving and ponderous, though for a moment he showed in his profession; deliberate of speech and anything but an athlete.

"Here I'll catch you," exclaimed the junior counsel, Blake, a somewhat more powerfully built westerner, rising and depositing his rough brown sack coat beside Hardy's.

"Kee! you've got muscle," he added, rubbing his hand after the pitcher's "hurrah!" yelled the small boy, "that was a corker. Git on to them curves, Clarence!" he cried in worshipful admiration.

"Wouldn't mind a little of that exercise myself," said the judge, rising interestedly and hesitating on the steps.

"Why not have a little game while we are waiting?" said Hardy, half jokingly. "Come on, sheriff."

Moved by a common impulse, the little group brightened up, threw away their cigar ends and moved half apologetically into the sandy square. At the left of the court house and adjoining it was a small open field of well trodden, dusty grass, where a scratch ball game was played occasionally and where horses were tethered during court. One of the small boys was dispatched for a suitable bat and ball and a catcher's glove, and by the time the sides were arranged he came racing back with them, highly excited, followed by several other small boys.

No one had the slightest idea of being drawn into a game when he left the steps, but the reaction had been instantaneous. The trial had been particularly exciting one, and those who had followed it were tired after the three days' strain in the ill-ventilated hall, and the sympathy of all had undoubtedly been with the prisoner, although the state had been vigorous in its prosecution and the judge had conscientiously done his duty. Murder had been committed at Jamestown Creek a few months previously, though a change of venue had been obtained to Fort Morton, the prisoner's own town. Copperthwait had been a quarter of a century in the state penitentiary, a man of 30 years of age, big, broad-shouldered and swarthy, diffident in manner and somewhat slow of speech, though he had been slowly and thoroughly anguished in a quarrel over a bunch of cattle. Six or eight steers had been branded twice, one mark over the other, and the dispute arose over this.



Copperthwait rushed in and slid triumphantly to the plate on his stomach.

Duke, the victim of the shooting, had borne a bad reputation, and the village street was usually more or less uneasy during his infrequent visits. He had killed his man, and been known to boast of it several times in Flynn's saloon. After this last quarrel he had sworn to shoot Copperthwait on sight. The quarrel had occurred in the morning. That afternoon Copperthwait had just left the Eagle hotel, to mount his mustang tied to the hitching post in front, when Duke happened to turn the corner.

"Here comes Duke!" a bystander exclaimed. Copperthwait started and caught sight of his adversary. Duke stopped short and put his hand behind him, and Copperthwait, quick as a flash, fired once and put a bullet between Duke's eyes. He had offered no resistance to arrest, and now was in the rough little jail near by while the

twelve good men and true deliberated in the hot back room under the roof of the court house.

"I guess my hands are a little too soft to play," said the judge good-naturedly, feeling a qualm as to the appropriateness of his joining actively in the sport; "but I'll be umpire if you want me."

The two teams were quickly formed, the "Comanches" against the "Sioux." The Sioux won the toss and took the field, and the Comanches were struck out in one, two, three order. When the sides changed, Hardy, the prosecuting attorney, took the box, and Blake, the junior counsel for the defense, caught him. After much urging the judge had consented to preside over first base, since Mr. Hackett had positively refused to play, and had been made umpire by general acclaim. As soon as his honor found himself coastless and on

the field he threw himself into the battle with the greatest enthusiasm.

There was many an evidence of "softness" in the condition of the players, and a noticeable tendency to let swift balls go by rather than grapple with them with fingers unused to the hard impact. V. id threw to bases were not infrequent, and in consequence there was much base stealing and hilarious sarcasm from the players on both teams. The official relations of these men were, for the time, left sight of the game, and the spectators, enthusiastic Americans, feeling the joy of tingling blood in their veins, the zest of friendly competition and of physical exercise.

"Go ahead," he said quietly. "I'll play." The Comanches failed to make a run during the rest of the inning, and when the Sioux came in they made two runs almost at once, being the score, amid great enthusiasm.

score stood 11 runs for the Comanches (the name of the pitcher, Hardy, was not even in the minds of the spectators), and nine for the Sioux, the battery of which was formed by the court clerk, who, as sheriff, carried a long staff, extending far up inside of his corduroys, detracted somewhat from any grace of movement he might have had as he lent his entire soul and mind to the game, the pitcher, Hardy, backed up by the assistant prosecutor, the stenographer and several witnesses.

At the beginning of the fourth and concluding inning the deputy sheriff, who was not handcuffed, and they became interested onlookers. Copperthwait's nerve had been superb throughout the trial, and he seemed to take an intense interest in the game.

Just after play had commenced Hardy knocked a hot grounder to short, who fielded the ball swiftly to first base. The baseman caught it, put it in Hardy's out, and then quickly remarked:

"That settles me. Look at this thumb!"

"See here, old man," Hardy panted, examining it, "it's broken."

"Well, never mind; let somebody take my place. Here, someone, you Mulligan. Come and take the base. I'm out of it."

"Guess not," said Mulligan, the deputy. "I ain't played ball since—"

"Go on with the game!" cried a dozen others excitedly. "Someone, anyone take the base."

"Here, Copperthwait, play first base; we've only got to hold 'em down this inning, and we'll beat 'em easy. There's one out already."

Copperthwait looked uncertainly at the deputy, then at the judge, and quickly pulled off his coat and stepped to the base. His face showed clearly the prison pallor, and this warm sunlight and fresh air seemed wonderfully sweet to his spirit. Taken suddenly away from the active, vigorous life of the ranch, for seven months confined in a dreary prison, the world had seemed gradually to recede from his life, and the game, the pitcher, Hardy, and the spectators, seemed to be the only things left.

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As Copperthwait came to the bat it was evident that the pitcher, Hardy, had been completely forgotten. Everything had been completely forgotten save the game, and so intense was the interest that the court clerk, who was house janitor was entirely unnoticed. He had come slowly down from the steps, and after a few moments of bewildered surprise stood leaning against a tree near the catcher, watching the prisoner as he slowly moved his bat backward and forward over the plate.

"One ball!" yelled Mr. Hackett, who was mopping his neck with his handkerchief.

"Two balls!"

"Strike one!"

"Three balls!"

"Crack!"

The ball flew straight from the bat high above the right fielder's head, and Copperthwait was safe on second before the fielders were fielded in.

The janitor began to grow very uneasy and edged slowly down the field toward the first baseman. The crowd yelled as Copperthwait, still in the air, edged off toward third. Hardy turned suddenly and tried to catch him napping, but in his excitement he threw a little wild, the baseman missed the ball, and Copperthwait reached third amid much uproar. The Sioux were all gathered now in a frantic crowd between third and home, yelling like their prototypes, and the Comanches were also noisy.

"Go it, Copperthwait!" shouted his team mates. "Get home and you'll win the game! Steady, now! Look out, look out! Don't let them catch you!"

"Now, Hardy, play ball! Don't let heaven's sake, play ball! Don't let him make this run!"

"Steady, Hardy," said the catcher, "watch my signs."

The janitor had crept up close to first base.

"Say, judge," he whispered to his boss, who was now dancing like an Indian and watching every move of the pitcher and Copperthwait with devouring anxiety—"say, judge, the jury has been in and is ready with the verdict."

"Oh, to h— with the jury!" snapped the judge. "Go on with the game!"

Hardy slung the ball over the plate, the baseman bunted it for a sacrifice hit, and Copperthwait, who had crept nearly half way, rushed in and slid triumphantly to the plate on his stomach.

"Safe!" yelled the umpire, and pandemonium broke loose.

"Guess safe," the judge said, "but I'll bet the janitor to the deputy, who had instantly started for the prisoner. 'I had a wink from the foreman of the jury as he came in.'"

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## Home Run Haggerty

And Lamp Hymes Have a Sad Experience Deceiving the Ministerials.

By George William Daley

We said we thought the club rule regarding "practicing" would start "fracturing" one day; so he sat down and looked around to see that no one was listening and started in:

"The Methodist Conference is in session up at Brigistown and as tomorrow is a holiday some of the younger members will be playing a game of baseball. The Brigistown Baptist Seminary challenged us, so it's to be the Methodist Conference against the Baptist college boys tomorrow."

"Lamp and me nodded."

"Now, these seminary chaps are much younger than we are," went on Mr. Trotter, "and in looking for players we found that no one we could allow to pitch. In order to make the contest interesting we agreed to get as pitcher and catcher some one who could play the game. We will give you \$10 apiece. What say you?"

"We said yes in one breath. After telling us what we were to do, he said: 'Now, you know that these seminary youths think they are playing the Brigistown Conference, say you must wear baseball uniforms. Dress in black, just as I do, and don't use any rough language, nor laugh at any of our poor players. And again, don't play the ball and steal bases and hit all sorts of things till it means runs; then shut down.'"

"We said we'd take care of that part of it, an' Mr. Trotter trotted out an' we began to chin."

"Pretty nifty guy for a dominie," said I. "He'd ought to be a politician, an' manager of some ball team. Do you s'pose there'll be any one up there that'll know us?"

"No," says Lamp. "Just muf a few four an' half couple o' passed balls, an' I'll throw an outshoot or two over into the next lot an' they'll think we're workers in the vineyard."

"Wot then?" says I.

"Oh," says I, "the Reverend Trotter'll be a worker in the diamond tomorrow," says I. "Workin' the seminary."

"S' the next mornin' I borrowed Reggie's full dress white necktie and Josh Haggerty's frock coat an' Pete Brown's black pants, an' bought a white shirt an' a choker collar, an' wrapped my mitt an' mask up in a piece o' paper, an' we started out. Lamp was as sober dressed as me, only he had on a soft shirt an' a pair o' black silk gloves. When we got to the railroad station we decided that baseball caps looked too sporty with that rig, an' bought a couple o' black soft-felt hats. Then I practiced callin' Lamp 'brother' all the way up on the train, an' he'd choke every time I said it."

At Brigistown the air was full of ministers. Old gray-bearded fellows leaning on canes, an' others with shawls on 'em, an' stout ones with red faces, an' thin ones with sad eyes,

an' young ones that winked at the hired girls an' all that. The Reverend Trotter met us at the station an' introduced us as 'the Reverends Wilson and Williams' very loud, an' then in a soft voice he'd say, lookin' round to see if the Baptists were near. "These are the ball players we sent for. They'll make that swimmin'-tank bunch look like old rags." He didn't say just them words, but it was the same thing.

"Well, we went out to the ball ground, an' when I took out the big mitt an' Lamp had slung some speedy ones into it, the seminary nine gathered round to see us work. Then Lamp took a tumble an' the next ball went over my head an' hit a big feller they called bishop in the back. Then I muffed two, three, an' finally I called to Lamp:

"'Brother, don't throw so hard. They hurt.'"

"I thought he'd bust a blood vessel tryin' to keep from laughin' an' then he put in a wide outshoot that I'd had to take on my bare hand. So I let it go, an' it winged the Moderator. 'In the meantime the Baptist gang was askin' who we was an' lookin' suspicious, an' the Reverend Trotter he handed out a story to 'em about our havin' been missionaries on Africa's coral strand an' just got back, which made us so sunburned. My busted and twisted fingers, he said, same from me bein' tortured by savages fer spreadin' the blessed gospel. You'd ought to be takin' your hats off to them, brethren," says he, 'instead of suspiciousin' 'em.' That quieted the Baptists for awhile."

"We were introduced to the other players on our line then. The Reverend Trotter he played first; the Reverend Claude Fitchey he played second; the Reverend Dr. Hunnis Waggoner, D. D., played short; the Reverend Samuel Strange played third. In the outfield were the Reverends Beauchamp, Bodwell an' Wertz."

"We didn't know anybody on the seminary nine, except the pitcher, who was a tall, good lookin' guy, named the Reverend Christopher Mathews. It seems he was a teacher in the school. His hair must a hurt him, for

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first on balls, an' then me or Lamp would git up an' clear the air. 'I didn't try to knock any home runs—just placed liners so they could git 'em. When the ninth inning began we had 18 runs to their 15. We fooled with 'em till they got three an' bases, an' then after Lamp had fanned two of 'em, one o' the seminary fellers accidentally hit one o' his swift ones down to third base, an' my baseball, Strange picked it up and threw it about eight feet over my head an' the ball was lost, an' four runs came in, making the score 19 to 18 in their favor."

"The Reverend Trotter fanned out for us in our last half, and the Reverend Wertz tried to kill the ball, an' my baseballs were near. 'These are the ball players we sent for. They'll make that swimmin'-tank bunch look like old rags.' He didn't say just them words, but it was the same thing."

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"TELL me, Mr. Brief," said the Idiot, suddenly looking up from his plate of evaporated wheat root, the latest breakfast food to be served at Mrs. Pedagog's select home for single gentlemen, "can a man cover himself with a fire insurance policy?"

"Not unless he is a very small man and the policy is larger than most of those now in use. What's the matter, can't you keep warm these summer nights?" replied the lawyer, facetiously.

"Oh, dear yes," said the Idiot. "Now that Mrs. Pedagog stores all the natural gas and hot air that you waste, I find my room rather too warm. What I wanted to know about was as to whether or not I could insure myself against fire."

"Do you mean in this world or the next?" asked Mr. Brief. "If the latter, I'm afraid the companies would consider you a poor risk."

"I mean in this world," said the Idiot. "I don't intend to desert you in the next, so of course I realize—"

"Oh, I suppose you can have yourself insured against fire," interrupted Mr. Brief. "As long as you conceal the fact from the agents that you spontaneously combust without warning or provocation two or three times a day, and habit of carrying inflammable ideas in that excelsior gray matter you use instead of a brain, the chances are that you could get a small fire insurance policy, and they would let him do it."

"Well, tomorrow's the Fourth of July," said the Idiot, "and I'm going to celebrate."

"The modern Fourth of July celebration is as harmless as a safety razor," observed the Lawyer, "that is as far as confagurations are concerned. Nobody sets off firecrackers, or sends up skyrocket, or blows up anything more. As the nation grows older it gets more sensible and the time when our patriotism was measured by fool noises has gone out."

"Oh, has it?" ejaculated the Idiot. "My dear sir, you reason like a provincial. You needn't think that because the city boy has given up fireworks everybody else has done the same thing. The city boy isn't the only boy in the world—thank heaven. The old-fashioned Fourth of July may have gone out here in this blasé old town, but in the country where there's still some life left in the old folks, they cling to it as joyously as of yore."

"And you are going out to join the young rural hoodlums in their alleged sport, are you?" asked the Doctor.

"Hear him!" cried the Idiot. "A man whose profession benefits by the old-fashioned Fourth to the extent of millions of dollars every year calls them rural hoodlums! By Jingo, it looks to me as if there should be a chair in gratitude in out medical schools in order to teach students how to be decently appreciative of the benefits received. Talk about the serpent that turned and stung the hand that warmed him!"

"Tush!" said the Doctor. "Where do the millions come in, I'd like to know. A few burned fingers perhaps—"

"Never sewed an ear on a boy who'd got separated from it in a tussle with a toy cannon, eh?" asked the Idiot.

"Yes," said the Doctor, "but—"

"Or took a dipper and ladled powder out of the eye of a kid who wanted to be how a sizer worked, or relieved the sufferings of the youth who would sit down on a bomb with a piece of burning wadding clinging to his coat-tail, or took splinters from the fingers of the youngster who tried to hold on to the stick of a skyrocket at the moment it was fired with an ambition to rise in the world!" continued the Idiot.